

AMENDED IN ASSEMBLY APRIL 21, 2010

AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2098**

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**Introduced by Assembly Member Miller**

February 18, 2010

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An act to amend Section 6802 of the Public Contract Code, relating to public contracts, *and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 2098, as amended, Miller. Public contracts: design-build contracts.

Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law, until January 1, 2014, also authorizes local transportation entities and the Department of Transportation, if authorized by the California Transportation Commission, to use a design-build process for contracting on certain transportation projects. Under these design-build provisions, the commission may authorize up to 5 local street or road, bridge, tunnel, or public transit projects of a local transportation entity, and up to 10 state highway, bridge, or tunnel projects of the Department of Transportation.

This bill would provide that a project of a local transportation entity may be approved by the commission under these provisions for the design-build method of procurement if the project is consistent with

the Policy Guidance for Project Authorizations under the Design-Build Demonstration Program adopted by the commission as Resolution G-09-09 on September 9, 2009. The bill would state that this modification shall be applied retroactively beginning with the date that Chapter 2 of the Statutes of 2009, 2nd Extraordinary Session, became operative.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6802 of the Public Contract Code is  
2 amended to read:

3 6802. (a) Subject to the limitations of this chapter, a local  
4 transportation entity, if authorized by the commission, may utilize  
5 the design-build method of procurement for up to five projects  
6 that may be for local street or road, bridge, tunnel, or public transit  
7 projects within the jurisdiction of the entity.

8 (b) Subject to the limitations of this chapter, the department, if  
9 authorized by the commission, may utilize the design-build method  
10 of procurement for up to 10 state highway, bridge, or tunnel  
11 projects.

12 (c) A project of a local transportation entity may be approved  
13 by the commission pursuant to subdivision (a) for the design-build  
14 method of procurement if the project is consistent with the Policy  
15 Guidance for Project Authorizations under the Design-Build  
16 Demonstration Program adopted by the commission as Resolution  
17 G-09-09 on September 9, 2009. This subdivision shall be applied  
18 retroactively beginning with the date that Chapter 2 of the Statutes  
19 of 2009, Second Extraordinary Session, became operative.

20 SEC. 2. *This act is an urgency statute necessary for the*  
21 *immediate preservation of the public peace, health, or safety within*  
22 *the meaning of Article IV of the Constitution and shall go into*  
23 *immediate effect. The facts constituting the necessity are:*

24 *In order to provide improved motorist safety, reduced traffic*  
25 *congestion, and increased traffic mobility on the state's highways*

- 1 *at the earliest possible time, and the associated economic benefits,*
- 2 *it is necessary for this act to take effect immediately.*

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